

1 UNITED STATES DISTRICT COURT 1

2 SOUTHERN DISTRICT OF NEW YORK

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4 KIMBERLY OSORIO and MICHELE JOYCE,

5 Plaintiffs

6 - against -

7 SOURCE ENTERPRISES, INC., SOURCE ENTERTAINMENT,
8 INC., DAVID MAYS in his official and individual
9 capacities, and RAYMOND SCOTT, also known as
"BENZINO", in his official and individual
capacities,

10 Defendants.

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12 500 Pearl Street
13 New York, New York

14 May 24, 2006
15 9:40 a.m.

16 DEPOSITION of MICHELLE JOYCE, a
17 Plaintiff, in the above-entitled action, held
18 at the above time and place, pursuant to order,
19 taken before Holly Johnson, a shorthand
20 reporter and Notary Public within and for the
21 State of New York.

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Joyce

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2 record meant that you felt discriminated
3 against, harassed and retaliated, so my
4 question to you is on the basis of your own
5 definition of how this violates your rights,
6 how did it?

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MS. LE ROUX: Objection.

8

You can answer.

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A Well, I felt as though I was a
10 victim of gender discrimination because I was
11 being held to a different standard and so were
12 the other females in my department than the men
13 in my department were, but overall in a bigger
14 picture I felt the men at The Source were
15 treated differently than the women at The
16 Source and the women were sort of expected to
17 come to work on time, do their jobs, to be
18 there, to be present. The men came to work
19 late frequently or not at all. They would dip
20 out during the day for breaks. They would come
21 back wreaking of weed and marijuana. They
22 could go take a nap at their cubicle or in
23 their office.

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Q Did you ever use marijuana?

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A No.

Joyce

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2 office?

3 A Dale Johnson, Leroy Peeples, Eric
4 Brown, Boo, B-O-O, Gotti, Tory, and I don't
5 remember the names of the others.

6 Q As you sit here today, can you
7 recall any others, any other men that you
8 believe were treated in the way that you
9 described on the record?

10 A That I can't remember their names.
11 Like I don't know their names. I just knew
12 them by face. I didn't work directly with
13 them.

14 Q These individuals that you've
15 mentioned by name, Dale Johnson, Peeples, Eric
16 Brown, Boo, Gotti, Tory, were they friends with
17 either Dave Mays or Ray Scott?

18 A I know that most of them were;
19 however, Boo, Gotti and Tory, as I know, were
20 not part of the Boston crew.

21 Q Are they part of another group of
22 friends?

23 A Not that I know of.

24 Q Were they employed by The Source
25 prior to your employment?

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and he told me that he would make it up to me
in giving me the 5,000 dollar bonus to bring me
to that \$100,000.

Q When did you have this conversation
with him?

A When I was first hired.

Q So was your salary in 2004 100,000?

A No.

Q Was it always 95,000 until you
separated from the company?

A Yes.

Q The second person that you
identified is Leroy Peeples. How is he the
basis of your gender discrimination case?

MS. LE ROUX: Objection.

You can answer.

A He also had a car allowance and a
living allowance. I don't know what his salary
was. He also often came to work around 12 or 1
in the afternoon with smoke or smell of weed
during the day. That's all I can recall right
now.

Q Were the women ever told they
couldn't smoke weed?

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Joyce

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A Not that I know of.

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Q Why do you believe that they would

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have been treated differently than the men if

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they smoked marijuana?

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A Just the general tone and the

7

feeling of the office atmosphere.

8

Q So that was your assumption?

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A Yes.

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Q Do you know what Mr. Peeples's work

11

hours were?

12

A I do not.

13

Q Do you know how late he worked?

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A He would often be leaving with me.

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Q Do you know how late Dale Johnson

16

worked?

17

A I don't.

18

Q Have I exhausted your recollection

19

as to why Leroy Peeples is part of your gender

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discrimination claim?

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A Yes.

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Q The next person that you identified

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is Eric Brown. What is the basis for your

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belief that Mr. Brown is part of your gender

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discrimination claim?

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MS. LE ROUX: Objection.

You can answer.

A He would often come to work late and dip out for long periods during the day and just be sitting in the mailroom watching a game on TV during the day or other television program completely unrelated to music, and at one point I even came into the mailroom, summer of 2004, I can't say exactly when, late afternoon and he was in the mailroom with Dale, Leroy Peeples, also known as Bum, and Raymond Scott, and Raymond Scott was smoking a blunt.

Q What is that?

A It's a big marijuana thing.

Q It's called a blunt?

A Uh-huh, and they were watching a porno movie.

Q When was this?

A Summer 2004, probably late summer. I really don't remember.

Q Did you stay and watch them?

A No.

Q Did anyone else observe this?

A I don't know. I got my mail and

1 Joyce 115

2 tell you exactly when because I don't remember.

3 Q Did she contact you or you
4 contacted her?

5 A We were talking on the phone. I
6 can't remember who called who.

7 Q Were you friendly with Ms. Osorio
8 at The Source?

9 A At The Source?

10 Q Yes.

11 A Yes.

12 Q Did you complain to her about the
13 situation you felt at The Source?

14 A Yes.

15 Q When did you first complain to Ms.
16 Osorio about discrimination?

17 A Late 2004.

18 Q Was that the first time she became
19 aware of your gender discrimination claim?

20 A Yes.

21 Q Is that a yes?

22 A Yes.

23 Q Did you also complain to her about
24 what you believed to be sexual harassment
25 against you at The Source?

Joyce

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2 A I don't recall.

3 Q What was the sum and substance of
4 your conversation with her in 2004?

5 A I can't remember the specific
6 conversation, but I told her about what my
7 experiences have been at The Source, about how
8 I felt that there was gender discrimination
9 against me and the other women in the office,
10 that the men were held to different standards
11 than the women were, that I had issues with the
12 fact that, you know, we were not only required
13 to be at work earlier than them, but we were
14 also required to do our job and perform our job
15 duties where they weren't. They could get away
16 with not doing them, not completing their
17 tasks, not doing their function, not getting
18 their projects done and still get paid at the
19 end of the biweekly pay period, that they could
20 dip out during the day and not be held
21 accountable for where they had been.

22 Q Did any of the women that worked at
23 The Source do similar -- have similar conduct
24 to the men that you've described?

25 MS. LE ROUX: Which conduct

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Q Did she ever complain to you about what she felt to be sexual harassment at The Source?

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A She told me that on one occasion Ray had invited her to go away to Atlantic City with him and kept repeatedly calling her to take the trip. Then he also tried having discussions with her about her sex life and who she was sleeping with and wanting to know what artists she slept with.

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Q When did she have these

conversations with you?

14

A Late 2004.

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Q As far as you know the invitation she had from Ray Scott to take the Atlantic City trip was at or around the time that she complained to you?

19

A I don't know.

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Q Do you know when any of these incidents took place where he asked her about her sex life and who had she slept with amongst the artists?

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A No.

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Q Did you ever complain on Kimberly

Joyce

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Osorio's behalf?

A No.

Q Tiffany Nelson is another individual that you've identified who you claimed has been discriminated against on the basis of gender at The Source. What are the factual bases for your belief that she was discriminated against because she was a woman?

MS. LE ROUX: Objection.

You can answer.

A Well, for example, Stets was given a project. I don't remember what project at the time, and he basically gave it to Tiffany to do because she was an intern. Additionally she was held to a different standard of coming into work on time and being accountable and present and also held to a different standard of actually doing her job and completing her tasks and her job functions, whereas two of the men in the department where she worked directly were not.

Q Who did she work for?

A She started out as my marketing intern.

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are you referring to?

Q You've just given me an entire list. Were there women at The Source that conducted themselves similarly to what you described just on the record just now?

A Not that I am aware of.

Q Why did you believe that women were held to a different standard?

A It was obvious. It was apparent that, for example, in my department that Ousmane Sam and Stets Austin could get away with not completing a task and not be held accountable, not even get written up by HR, not even have HR come and speak to them about what they were doing or not doing, that I could tell my boss that they weren't doing the project that I was told that I needed to get it done and when Sonia came around to hand out the paychecks, they got their paychecks every other week just like everyone else.

Q Did Kimberly Osorio complain to Julie Als about the sexual harassment claim, if you know?

A I do not know.

Joyce

129

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2 bathing suits would be pornographic?

3 A No, that would mean women in
4 G-strings bent over with their butt cheeks
5 pulled open.

6 Q Weren't there ads like that at The
7 Source?

8 A Ads like that?

9 Q Yes.

10 A Not like that.

11 Q Weren't there ads with women in
12 G-strings?

13 A When you say an ad, are you
14 referring to an advertisement or editorial?

15 Q Weren't there print ads at The
16 Source with women in G-strings?

17 A Not that I recall.

18 Q Weren't there pictures of women in
19 G-strings for the editorial parts of the
20 magazine?

21 A There were pictures of women in
22 bathing suits.

23 Q What is the difference between a
24 bathing suit and G-string?

25 A I'm not simply referring to a

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G-string. I am referring to a woman bent over spreading her butt in a G-string so that you can clearly see sexual parts of her body, her organs.

Q Where did you see this?

A In the office.

Q Where in the office?

A On a cork board in the area where Stets and Ous and Arash and Terry sat.

Q Do you know whose picture this was?

A I do not know.

Q Did you complain about it?

A Yes, I did.

Q Who did you complain to?

A Julie Als.

Q When did you complain to her?

A I complained to her in 2004.

Q Late 2004?

A No, probably mid 2004.

Q What was done as a result of your complaint?

A Nothing.

Q Was it taken down?

A No.

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Joyce

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you've testified to, was that an only one time
occurrence where you saw the G-string picture?

A There were many photos that I saw.

Q What other photos did you see?

A I saw photos of women who were half
naked displayed in that same area. I saw
photos of women who were half naked displayed
on Jason's screen as his screen saver.

Q Who's Jason?

A Jason worked in the art department.

Q What else?

A I saw photos of women in Stets's
cubicle and Terry's cubicle.

Q In Terry's, you said?

A Um-hum.

Q Is that a yes?

A Yes.

Q We'll get to these after lunch
because otherwise we're going to be here all
afternoon.

Were you injured as a result of the
discrimination you believe existed towards
other women?

MR. LE ROUX: Objection.

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Joyce

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Q Late summer 2004?

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A Um-hum.

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Q Is that a yes?

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A Yes.

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Q Did you talk to anybody else other

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than Chris White about this double standard?

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A Yes, I did.

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Q Who else did you talk to?

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MS. LE ROUX: Objection;

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asked and answered. You can

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answer again.

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A I talked to all of the department

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heads who included Jeremy Miller, Julie Als,

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Ron left come and Chris White.

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Q When was the last time you

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discussed the double standard issue with Julie

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Als?

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A Probably mid 2004.

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Q When was the last time you

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discussed the double standard issue with Jeremy

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Miller?

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A Probably summer of 2004.

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Q When was the last time you

25

discussed the double standard issue with Ron

Joyce

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Lefcon?

A Probably mid 2004.

Q Was that June 2004?

A I don't know if it's June or July or August. Probably somewhere within that time frame.

Q Have I exhausted your memory as to the individuals you spoke to concerning the double standard issue?

A Correct.

Q Have I exhausted your memory as to the last time that you had the discussion regarding a double standard issue with those individuals?

A That's all I can recollect at this time.

Q So I've exhausted your memory?

A At this time, yes.

Q With respect to Julie Als, how many times did you speak to her regarding the double standard issue?

MS. LE ROUX: Objection;
asked and answered. You can
answer again.

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164

A On various occasions.

Q When we've used the word prior, I characterized it as gender discrimination. Did you mean it to be double standard?

MS. LE ROUX: Objection as to form. You can answer.

A You mean -- I'm sorry, can you explain your question?

Q Well, we covered quite a bit on gender discrimination. Is your gender discrimination claim the double standard issue that we're now discussing?

A It's based in part on that, yes.

Q What is the other part?

A The fact that several men were compensated in different ways than I was.

Q Isn't that a double standard?

A Yes, I guess you can classify it as a double standard.

Q Is it your testimony that up until this point everything that you've discussed concerning gender discrimination is really what you believe to be the double standard issue between men and women who work at The Source?

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Joyce

173

squatted down, revealing buttocks, squatted down with their legs open shot from the front, wet t-shirt pictures of women with their breasts exposed with a picture of their nipples. Those are the basic ones.

Q When did you first discover these pictures? We can start with the images of topless women.

A In 2004.

Q Where did you discover them?

A In the back area where Stets and Ous and Arash and Terry sat and also in Bum's office and also back in the editorial area.

Q Did you ever complain to anyone about these pictures?

A Yes, I did.

Q Who did you complain to?

A Julie Als.

Q When did you complain?

A In 2004.

Q Do you recall what month?

A I don't recall.

Q Do you recall what the season was?

A I believe it was summer.

Joyce

174

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2 Q What was the sum and substance of
3 your complaint to Ms. Als?

4 A That there were inappropriate
5 images displayed.

6 Q What was her response?

7 A That she would look into it.

8 Q Were they taken down?

9 A No, they weren't.

10 Q How long did they remain there?

11 A They remained there until we moved
12 offices.

13 Q When was that?

14 A I believe it was November of 2004.

15 Q Did you ever make any written
16 complaints?

17 A No, I did not.

18 Q Did you complain more than once to
19 Julie about the pictures of the topless women?

20 A No, I did not.

21 Q So you complained only one time in
22 the summer of 2004; is that correct?

23 A Yes.

24 Q You had said that there were images
25 of women squatted down with their legs open

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shot from the front; is that correct?

A Yes.

Q Where did you see those images?

A In the same area back where Arash
and Ous and Stets and Terry sat.

Q Did you complain to anyone?

A I complained to Julie Als.

Q When did you complain to her?

A In the summer of 2004.

Q Did you complain to her more than
once?

A No, I did not.

Q What was her response?

A That she would look into it.

Q In either of these occasions when
you complained to Julie in the summer of 2004,
was anyone else present?

A No, I do not believe so.

MS. LE ROUX: Just so the
record is clear, it's one time
that you complained to Julie?

THE WITNESS: Correct.

MS. LE ROUX: You said
either occasion.

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Joyce

176

A It's just one time.

Q One time that you complained about

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A About all the pictures.

Q I misunderstood.

MS. COLWIN: I thank you for
that clarification.

Q So the one time that you complained
in the summer of 2004 you talked to her about
the topless women, correct?

A Right.

Q The images of women squatted down,
right?

A Correct.

Q And then the images of women with
their breasts exposed?

A Correct.

Q How many images were there?

A I don't know exactly how many
images. Probably less than fifteen. I don't
know.

Q Less than fifteen pictures?

A Yeah.

Q Were they up because of The Source